

1999 DRAFTING REQUEST

Bill

Received: **02/1/99**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **John La Fave (608) 266-0486**

By/Representing: **Rep. La Fave**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Munis - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Razing historic buildings, notice to state historical society

Instructions:

See Attached. Allow Historical Society to waive 30 day demo waiting period if Society had completed its documentation.

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|--------------------|----------------------|----------------------|----------------|--------------------------|-------------------------------|-----------------|
| /1 | shoveme 02/9/99 | chanaman 02/10/99 | jfrantze 02/11/99 | _____ | lrb_docadmin 02/11/99 | lrb_docadminLocal 02/11/99 | |

FE Sent For:

3/5/99

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2/11/99 11:19:59 AM

Page 1

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2/9/99 3:17:52 PM
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|---------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1? | shoveme | cmm 2/10 | J 2/11 | J / lh 2/11 | | | |
| 11 NES 2/9/99 | | | | | | | |
| FE Sent For: | | | | | | | |

<END>

LEGISLATIVE REFERENCE BUREAU

Legal Section, 5th Floor, 100 N. Hamilton St.
(608) 266-3561

BILL REQUEST FORM

TO: Marc Shovers

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.
Use this form only for **BILL** drafts. Attach more pages if necessary.

| | |
|--|--|
| Date of request: 1-27-99 | Legislator or agency requesting this draft: JOHN LA FAVE |
| Name/phone number of person submitting request: 266-0486 | " " |
| Persons to contact for questions about this draft (names and phone numbers please): | " " |
| Describe the problem, including any helpful examples. How do you want to solve the problem? - See attachment A | |
| If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy. 66.05 (7)(c) - See Attachment B | |

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? ☐ YES ☒ NO

If yes, anyone who asks? ☐ YES ☐ NO

Any legislator? ☐ YES ☐ NO ☐ ONLY the following persons:

Do you consider this urgent? ☐ YES ☐ NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

☐ YES ☐ NO If yes, please sign your name here:

CITY OF MILWAUKEE

Interdepartmental Correspondence

Building Inspection Department

April 23, 1998

Attachment
A

TO: Brian Pionke
Kimberly Pratt
Tracy Williams

FR: Martin Collins *MLC*

RE: Historic building demolition issues

Recently we were referred a case by the Mayor's staff where the property owner was seeking to demolish an addition to an historic building. This building was not locally designated but did have National Register status. Our local demolition process allows for a 16-day waiting period and notice to the Historic Preservation Commission prior to the issuance of a demolition permit in such a case. The State Statute 66.05(9)(c) contains regulations which create a 30-day holding period for such demolitions. The purpose of this holding period is to allow the State Historical Society to document the building. This documentation is typically done through photography where it is done at all. Mr. Chip Brown of the State Historical Society staff informs me that this is not done very often and that the current State law came out of an incident from Milwaukee.

There is no logical reason to hold the demolition for the entire 30-day period once the documentation has occurred. Unfortunately, the State Historical Society has no authority to waive any portion of that 30-day period. We already have local control to ensure that there be at least a 16-day waiting period in these cases and anyone can stop the demolition in that time period through local nomination.

I have attached a rough draft of an amendment to the State Statute which would give the State Historical Society authority to waive all or part of the 30-day period if they have completed their documentation. I would appreciate your comment prior to my proceeding further with this issue. Thank you for your thoughts and insights.

er

Attachment

c Lee Jensen

Attachment B

ROUGH DRAFT II
DOC:66.05

66.05(9)(c)

If an order is issued under this section to raze and remove an historic building and restore the site to a dust-free and erosion-free condition, an application is made for a permit to raze and remove an historic building and restore the site to a dust-free and erosion-free condition; or a municipality intends to raze and restore a municipally owned historic building and restore the site to a dust-free and erosion-free condition, the municipality in which the historic building is located shall notify the State Historical Society of the order, application, or intent. No historic building may be razed and removed nor the site restored to a dust-free and erosion-free condition for 30 days after the notice is given. During the 30-day period the State Historical Society shall have access to the historic building to create and preserve an historic record. The State Historical Society shall have the authority to waive all or any part of the 30-day period if it has received or has created documentation sufficient to create an historic record of the building.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2168/1

MES.....

cmr

1999 BILL

- 1 AN ACT ^{gen} relating to: the razing of a historic building following preparation of
2 a historic record of the building by the state historical society.

Analysis by the Legislative Reference Bureau

Under current law, the state historical society (society) is required to notify a city, village, town or county (municipality) of any historic building that is located in the municipality. If an order is issued to raze a historic building, if an application is made to raze a historic building or if a municipality intends to raze a historic building, the municipality in which the building is located is required to notify the society of the order, application or intent. No historic building may be razed under current law for 30 days after the notice is given. During the 30 day period, the society has access to the historic building to create or preserve a historic record.

Under this bill, the society may authorize the person who intends to raze the historic building to commence with the razing before the end of the 30 day period if the society has completed its documentation of the historic building. ^{add my plan}

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 66.05 ^X (9) (c) of the statutes is amended to read:

BILL

66.05 (9) (c) If an order is issued under this section to raze and remove a historic building and restore the site to a dust-free and erosion-free condition, an application is made for a permit to raze and remove a historic building and restore the site to a dust-free and erosion-free condition or a municipality intends to raze and remove a municipally owned historic building and restore the site to a dust-free and erosion-free condition, the municipality in which the historic building is located shall notify the state historical society of the order, application or intent. No historic building may be razed and removed nor the site restored to a dust-free and erosion-free condition for 30 days after the notice is given, unless a shorter period is authorized by the state historical society. During the 30-day period, the state historical society shall have access to the historic building to create or preserve a historic record. If the state historical society completes its creation or preservation of a historic record before the end of the 30-day period, the society may waive its right to access the building and may authorize the person who intends to raze and remove the building, and restore the site to a dust-free and erosion-free condition, to proceed before the end of such period.

History: Sup. Ct. Order, 67 W (2d) 750; 1977 c. 187; 1979 c. 323; 1981 c. 341; 1983 a. 108, 192, 219; 1983 a. 275 s. 15 (2); 1987 a. 395; 1989 a. 347; 1991 a. 39, 316; 1993 a. 213, 246, 267, 382, 491; 1995 a. 225; 1997 a. 187.

(END)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 2/11/99

To: Representative La Fave

Relating to LRB drafting number: LRB-2168

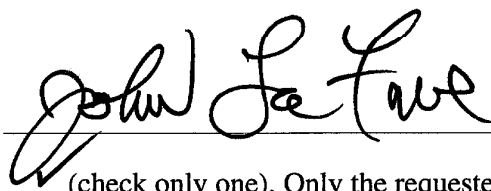
Topic

Razing historic buildings, notice to state historical society

Subject(s)

Munis - miscellaneous

1. **JACKET** the draft for introduction

in the **Senate** _____ or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Marc E. Shovers, Senior Legislative Attorney
Telephone: (608) 266-0129